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In re Application of :
Jeremy Carver et al :
Serial No.: 09/701,315 : PETITION DECISION
Filed: January 09, 2001 :
Attorney Docket No.: 14096.15USWO :

This is in response to the petition under 37 CFR 1.181, filed on August 06, 2003 and filed again on May 25, 2004, for withdrawal of holding of abandonment of the above identified application based on failure to receive the Non-responsive letter mailed on November 26, 2002. The delay in acting on the petition is regretted.

A review of the file history shows that the examiner mailed a Restriction requirement on August 12, 2002 and applicant replied with an Election on September 12, 2002. The examiner found the Election to be incomplete and issued a Non-responsive letter on November 26, 2002.

Upon failure to receive a reply to the Non-responsive letter, the examiner called applicants' attorney Mr. Douglas Muller on July 15, and July 17, 2003. No response to the telephone calls was received as documented on the Interview Summary sheet (PTO-413) of July 17, 2003. The application was abandoned on July 18, 2003.

Applicants state that the Non-responsive letter was never received. Applicants have provided a signed declaration by the Docketing Supervisor detailing the office procedures for incoming actions and stating that the Office action (i.e. the Non-responsive letter), mailed on November 26, 2002, for this application was never received according to their records based on their procedures. In view of the evidence presented the Notice of Abandonment is withdrawn and the application is restored to pending status.

The petition is **GRANTED**.

The application will be forwarded to the examiner for mailing of the Non-responsive letter.

There is no petition fee required for petitions filed under 37 CFR 1.181 and the petition fee will be refunded to Deposit Account No. 13-2725.

Should there be any questions about this decision please contact Jean F. Vollano, by letter addressed to Director, TC 1600, at the address listed above, or by telephone at 571-272-0648 or by facsimile sent to the general Office facsimile number.

A handwritten signature in cursive script that reads "Jasmine C. Chambers".

Jasmine Chambers
Director, Technology Center 1600